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DOCKET NO.: P0740.70001US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Saul Palder  
Serial No.: 10/646,581  
Confirmation No.: 9949  
Filed: August 22, 2003  
For: NESTABLE CONTAINERS  
Examiner: Sarah L. Purol  
Art Unit: 3634

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 16th day of August, 2005.

*[Handwritten signature: Marjorie DePina]*  
Marjorie DePina

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

*[Handwritten signature: David Wolf]*

David Wolf, Reg. No.: 17,528  
Shannon Pratt, Reg. No.: 55,548  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: P0740.70001US00  
Date: August 16, 2005  
xNDDx



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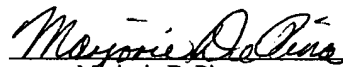
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Marjorie DePina

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

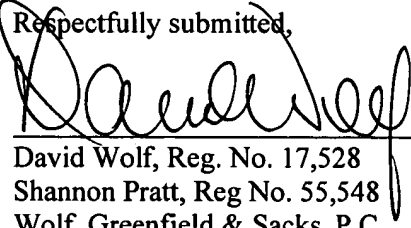
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

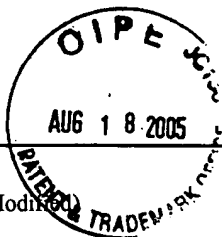
An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
David Wolf, Reg. No. 17,528  
Shannon Pratt, Reg No. 55,548  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Date: August 16, 2005  
xNDDx



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

|  |                              |    |                                   |  |
|--|------------------------------|----|-----------------------------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> | APPLICATION NO.: 10/646,581  |    | ATTY. DOCKET NO.: P0740.70001US00 |  |
|  | FILING DATE: August 22, 2003 |    | CONFIRMATION NO.: 9949            |  |
|  | APPLICANT: Saul Palder       |    |                                   |  |
|  | GROUP ART UNIT: 3634         |    | EXAMINER: Sarah L. Purol          |  |
| Sheet  | 1                            | of | 1                                 |  |

**U.S. PATENT DOCUMENTS**

| Examiner's<br>Initials | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or of issue<br>of Cited Document<br>MM-DD-YYYY |
|------------------------|-------------|----------------------|--------------|--|--|
|                        |             | Number               | Kind<br>Code |  |  |
|                        |             | D196,392             |              | Politis  | 09/1963  |
|                        |             | 4,756,425            |              | Wise   | 07/1988  |
|                        |             | D317,567             |              | Lane Sr.   | 06/1991  |
|                        |             | 5,040,682            |              | Palisin et al.                                     | 08/1991  |
|                        |             | 5,829,616            |              | Daniel et al.                                      | 11/1998  |
|                        |             | D420,585             |              | Guillin  | 02/2000  |
|                        |             | D439,839             |              | Wolf et al.  | 04/2001  |
|                        |             | D473,463             |              | Armstrong et al.                                   | 04/2003  |

**FOREIGN PATENT DOCUMENTS**

| Examiner's<br>Initials | Cite<br>No. | Foreign Patent Document |        |              | Name of Patentee or Applicant of Cited<br>Document<br>(not necessary) | Date of<br>Publication of<br>Cited Document<br>MM-DD-YYYY | Translation<br>(Y/N) |
|------------------------|-------------|-------------------------|--------|--------------|---|---|----------------------|
|                        |             | Office/<br>Country      | Number | Kind<br>Code |   |   |                      |
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|                        |             |                         |        |              |   |   |                      |
|                        |             |                         |        |              |   |   |                      |
|                        |             |                         |        |              |   |   |                      |

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

| Examiner's<br>Initials | Cite<br>No. | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item<br>(book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s),<br>publisher, city and/or country where published. | Translation<br>(Y/N) |  |
|------------------------|-------------|---|----------------------|--|
|                        |             |   |                      |  |
|                        |             |   |                      |  |
|                        |             |   |                      |  |
|                        |             |   |                      |  |

EXAMINER:

DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - No copies of U.S. patents or published U.S. patent applications, or pending, unpublished applications stored in the USPTO IFW system, are included. See 37 CFR 1.98 and 1287OG163. Copies of all other patent(s), publication(s), pending US applications or other information listed are provided as required by 37 CFR 1.98, unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR 1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]